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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,154	03/30/2001	Robert A. Immerman	IN0191US (#90067)	6306

28672 7590 05/22/2002

D. PETER HOCHBERG CO. L.P.A.  
1940 EAST 6TH STREET  
CLEVELAND, OH 44114

EXAMINER

WEINHOLD, INGRID M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/822,154

Applicant(s)

IMMERMAN, ROBERT A.

Examiner

Ingrid M Weinhold

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19, 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 2-5 and 12-15 claim fastening arrangements comprising welding, soldering, brazing, and adhesives. The specification does not disclose a fastening arrangement, but does disclose a construction technique comprising welding, soldering, brazing, and adhesives. Although the specification was amended to clarify this subject matter, it is still unclear since the phrase "construction technique for the device" is being used. The "device", as used in the claims, refers to the applicant's invention, not in combination with the fixture. Examiner suggests using language such as "attachment techniques" or "fastening arrangements" to provide antecedent basis for the claimed subject matter.

### ***Claim Rejections - 35 USC § 102***

Claims 1, 7-9, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cura (Des. 210,833). See attached drawing for more details. Cura shows a first pair of parallel wires, and a second pair of parallel wires traverse to and engaging the first pair of wires and defining a rectangular opening that is capable of receiving the head of a suction cup and retaining the neck, and a fastening arrangement for fastening the device to a fixture. One pair of wires is horizontal and the other pair is vertical.

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Claim 1, 6-8, 11, 16-18, 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Isenburg (Des. 121,813). See attached drawing for more details.

Isenburg shows a first pair of horizontal, generally parallel, rigid wires (in yellow), a second pair of non-parallel rigid wires (in orange) transverse to and engaging the first pair of rigid wires defining a generally rectangular opening for receiving the head of a suction cup and for retaining the neck in the opening, and a fastening arrangement that holds the second pair of wires attached to the fixture (in blue). The suction cup has a compressible head attached to a neck, the neck is attached to an engagement member, the head is insertable into the opening and the neck is retained in the opening.

Claims 7, 9, 17, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Brewster (5,039,046). Brewster shows a device for attaching a suction cup, with a compressible head (23) attached to a neck (24), which is attached to the engagement member of the suction cup, to a fixture comprising a pair of rigid, vertical, generally parallel wires (21) defining an opening for receiving the head (23) of the suction cup (20) and for retaining the neck in the opening, and a fastening arrangement for fastening the device to the fixture.

### ***Claim Rejections - 35 USC § 103***

Claims 2-5, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isenberg (Des. 121,813) in view of Macek (5,620,105). Isenberg shows all the features claimed in the applicant's invention but does not specifically state

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that the fixture and device are made of metal since it is a design patent. Macek however shows another caddy and discloses that it is made of metal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the caddy shown in Isenberg out of metal for durability purposes. The further limitation of the device being fastened to the fixture by welding, brazing, soldering or by using adhesive is a design choice and the applicant did not disclose any reason for why the device and fixture critically had to be fastened with one of those techniques. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have chosen to use well-known techniques such as welding, brazing, soldering or by using adhesive in order to securely fix the device to the fixture.

### ***Response to Arguments***

The rejections made by the examiner have been modified due to the applicant's amendment of the claims.

Regarding the applicant's arguments towards the Raphael and Standley patents, these are now moot as these references were not used for rejections in this action.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Snell	U.S. Patent	D449,479 S
Snell	U.S. Patent	D449,752 S
Snell	U.S. Patent	D450,213 S
Snell	U.S. Patent	D453,651 S

The above patents all disclose the applicant's invention in design patents issued to the applicant.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Weinhold whose telephone number is (703)-306-5762.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3519 for informal documents and (703) 305-3597 for formal regular communication and After Final Communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SW

Ingrid Weinhold  
Patent Examiner  
Technology Center 3600  
Art Unit 3632



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER

210,833

## WALL MOUNTED BAR FOR SUPPORTING CLOTHES HANGERS

Gino Cura, 77—09 45th Ave.,  
Elmhurst, N.Y. 11373

Filed July 6, 1966, Ser. No. 2,953

Term of patent 14 years

(Cl. D33—8)

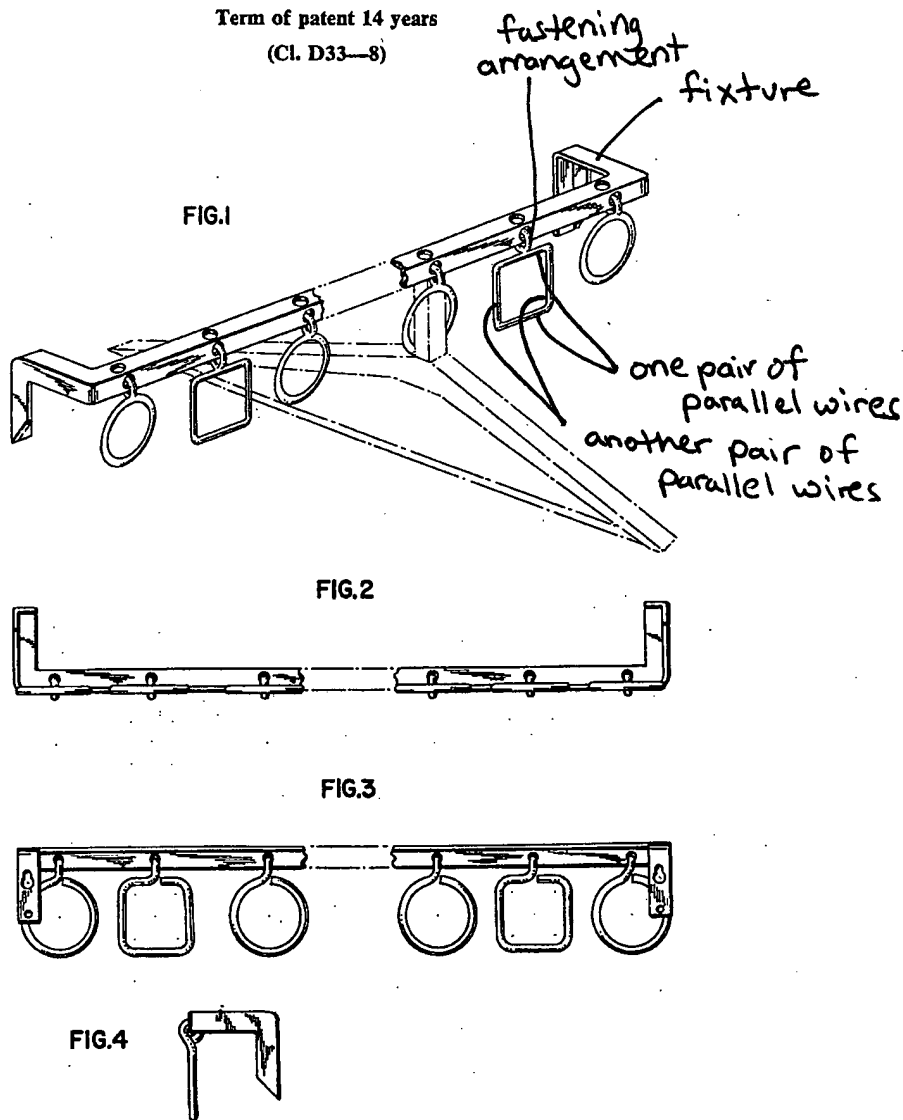


FIGURE 1 is a perspective view of a wall mounted bar for supporting clothes hangers, showing my design wherein a clothes hanger is shown in dotted lines for illustrative purposes only;

FIGURE 2 is a bottom plan view of FIGURE 1;

FIGURE 3 is a rear view of FIGURE 1 shown in elevation; and

FIGURE 4 is a right end view of FIGURE 1 shown in elevation.

The dominant features of my design reside in those portions shown in full lines on the drawing.

I claim:

The ornamental design for a wall mounted bar for supporting clothes hangers, substantially as shown and described.

### References Cited

Sears Roebuck and Co. catalog, spring and summer 1960, p. 1477, item 13, Phila. ed.  
Helen Gallagher Foster House, Apr. 6, 1960, p. 27, trolley rod at right center.

BRUCE W. DUNKINS, *Primary Examiner*.

EDWIN H. HUNTER, *Examiner*.



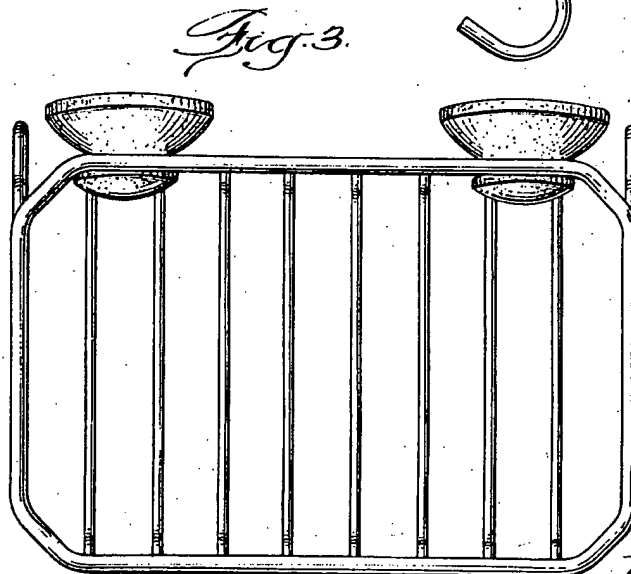
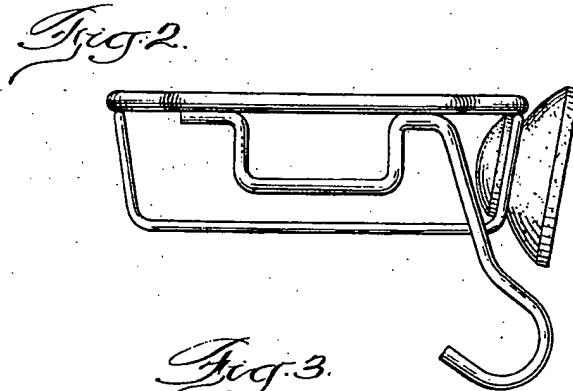
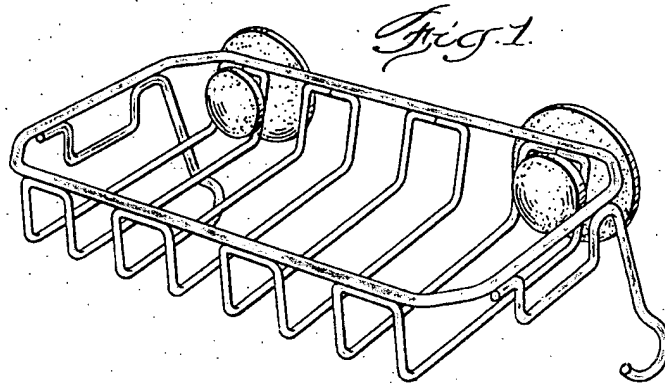
Aug. 6, 1940.

S. ISENBERG

Des. 121,813

SOAP DISH

Filed April 3, 1940



*Inventor.*  
*Stanley Isenberg*  
*By* *Morris S. Gayle* *Att'y.*